

LSK&D #: 564-8008 / 1008577  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SERGIO PAVON,

Plaintiff,

**No. 08 cv 1272 (PAC)**

-against-

**NOTICE OF MOTION TO  
DISMISS**

METROPOLITAN LIFE INSURANCE  
COMPANY and NOVARTIS CORPORATION,

Defendants.

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PLEASE TAKE NOTICE that, upon the annexed Memorandum of Law and Declaration of Allan M. Marcus, and the exhibits thereto, Defendants Metropolitan Life Insurance Company and Novartis Corporation will move this Court before the Honorable Paul A. Crotty, at the United States Courthouse at 500 Pearl Street, New York, New York 10007, at a date and time to be scheduled by the Court, for an Order, pursuant to Fed. R. Civ. P. 12(b)(6), dismissing Plaintiff's state law claims with prejudice. Additionally, Defendants move to dismiss Novartis Corporation as an improper party to this action.

Dated:       New York, New York  
                April 17, 2008

Respectfully submitted,

LESTER SCHWAB KATZ & DWYER, LLP



Allan M. Marcus (AM-9027)  
120 Broadway  
New York, New York 10271  
(212) 964-6611  
Attorneys for Defendants  
Metropolitan Life Insurance Company and  
Novartis Corporation

TO:

Robert J. Feldman, Esq.  
375 South End Avenue, Suite 8F  
New York, New York 10280  
(646) 478-8852  
Attorney for Plaintiff